PUBLIC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D-9453

ADMINISTRATIVE LAW JUDGE: **HON. DANIA L. AYOUBI**

IN THE MATTER OF:

ERIN THOMPSON **APPELLANT**

THE AUTHORITY'S REPLY TO APPELLANT'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND SUPPORTING LEGAL BRIEF

Comes now the Horseracing Integrity and Safety Authority, Inc. (the "**Authority**") pursuant to the Administrative Law Judge's Order Granting Appellant's Motion for Continuance, dated August 14, 2026, and submits the following Reply to Appellant's Findings of Fact, Conclusions of Law, Order, and Supporting Legal Brief.

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CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of the Reply to Appellant's Proposed Findings of Fact, Conclusions of Law, Order and Supporting Legal Brief is being served on October 28, 2026, via Administrative E-File System and by emailing a copy to the below listed. The Findings of Fact, Conclusions of Law, and Legal Brief are limited to 2,500 words, excluding reproduced text from Appellant's Findings of Fact and Conclusions of Law. I further certify that no portion of the filing was drafted by generative artificial intelligence ("**AI**") and any language in the filing that was drafted by generative AI was checked for accuracy by human attorneys or paralegals using printed legal reporters or online legal databases.

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THE AUTHORITY'S REPLY TO APPELLANT'S PROPOSED FINDINGS OF FACT

1. Erin Thompson was first licensed as a trainer in 2013 and has been licensed in four states.

- Appellant was a licensed horse trainer on June 5, 2025.

2. On June 5, 2025, Thompson was the Trainer of Record and Responsible Person for the Covered Horse, Motion to Adjourn.

- Agree.

3. On June 5, 2025, Motion to Adjourn competed in Race 7 at Belterra Park in Cincinnati, Ohio.

- Agree.

4. Thompson decided to race the horse at Belterra Park because he was not particularly fast and the races there are relatively easy.

- This is Appellant's claim.

5. In the 48 hours before being transported to the race, Motion to Adjourn was at Thompson's facility in Indiana, where only Thompson, her partner, and exercise riders had access to the horse.

- This is Appellant's claim.

6. On the day of the race, the horse was driven by Thompson and her partner directly to Belterra Park, where the horse was unloaded at the receiving barn near his assigned stall.

- This is Appellant's claim.

7. Generally, clean straw was put on top of a stall's dirt and limestone flooring. On June 5, 2025, Motion to Adjourn's stall smelled of urine.

- This is Appellant's claim.

8. No stall in the receiving barn was different from any other that day.

- This is Appellant's claim.

9. Motion to Adjourn was in the stall in the receiving barn for about four hours.

- Agree.

10. The receiving barn was generally accessible to anyone on the back side of the track.

- Agree.

11. Thompson was present for a majority of the time that Motion to Adjourn was in his receiving barn stall.

- This is Appellant's claim.

12. Thompson's groom, Santiago Ramos, walked the horse from the receiving barn to the paddock on the day of the race.

- This is Appellant's claim.

13. Thompson and her valet saddled the horse in the paddock.

- This is Appellant's claim.

14. Next, Santiago handed Motion to Adjourn over to a pony horse for a warm up, who handed him off to an assistant starter for loading into the starting gate for Race 7.

- This is Appellant's claim.

15. The gate hands who load multiple horses throughout the day would have loaded Motion to Adjourn into the starting gate.

- This is Appellant's claim.

16. Thompson did not bet on Race 7.

- This is Appellant's claim.

17. The betting pool for Race 7 was relatively small, and no unusual betting activity was apparent.

- This is Appellant's claim.

18. A win in Race 7 at Belterra Park did not carry with it a significant economic benefit for Thompson—she estimated the winnings would be approximately $5,000.

- This is Appellant's claim.

19. After the race, Thompson picked the horse up from the track and was notified that Motion to Adjourn had been selected for testing. Ramos then walked the horse to the test barn.

- Agree.

20. Sample Collection Personnel collected a post-race urine Sample, designated #U200014219, from Motion to Adjourn.

- Agree.

21. Motion to Adjourn's A Sample was submitted to the Ohio Department of Agriculture's Analytical Toxicology Laboratory (the "Ohio Lab").

- Agree.

22. The Ohio Lab analyzed Motion to Adjourn's A Sample in accordance with the Laboratory Standards and reported an Adverse Analytical Finding ("AAF") for the presence of the banned substance clenbuterol.

- Agree.

23. On July 8, 2025, Trainer Thompson was served with an Equine Anti-Doping ("EAD") Notice.

- Agree.

24. The concentration of clenbuterol in Motion to Adjourn's urine from the Ohio Lab test was 2.5 nanograms per milliliter.

- Agree.

25. This high level of clenbuterol in the horse's urine indicates that it ingested the substance close to the time of the race.

- Disagree. That is an unfair extrapolation given the lack of information about the method, timing, and dose of clenbuterol the horse was administered or exposed to.

26. Thompson was shocked to learn of the positive result.

- This is Appellant's claim.

27. Thompson never administered clenbuterol to Motion to Adjourn.

- This is Appellant's claim.

28. Thompson did not possess clenbuterol at Belterra Park, nor was any clenbuterol at the same location with Motion to Adjourn in the 48 hours before the horse arrived at Belterra Park.

- This is Appellant's claim.

29. None of Thompson's other horses were prescribed clenbuterol.

- This is Appellant's claim.

30. Thompson was familiar with clenbuterol in part because of her work training quarter horses. Thompson left quarter horse racing because of the widespread clenbuterol use.

- This is Appellant's claim.

31. Thompson was aware that giving a horse a banned substance shortly before a race carried with it a significant risk of detection and career-ending penalties; in particular, she understood that there is a three-week withdrawal time for clenbuterol from blood and urine.

- This is Appellant's claim.

32. Thompson's only medication-related violation before this proceeding was in 2019 for an overage of dexamethasone—a therapeutic drug with a sanction threshold—resulting from that horse not metabolizing it.

- Disagree. Appellant had two reported medication overages in 2019, as reflected in by the Indiana Horse Racing Commission's 2019 Ruling Log. **AB, p. 671-672.**

33. Prior to the race, Motion to Adjourn did not display any unusual symptoms, such as excessive sweating, excessive excitement, or trembling.

- This is Appellant's claim.

34. Since Motion to Adjourn's positive test, virtually all of Thompson's horses have been tested in some manner without an adverse finding.

- Agree.

35. Thompson was cooperative with the Horseracing Integrity and Welfare Unit's (HIWU) investigation.

- Agree.

36. When HIWU personnel reported the result to Thompson, they conducted a thorough search of her facilities, which did not result in a charge that was pursued through adjudication for possession of clenbuterol.

- Agree.

37. Thompson also conducted her own investigation that included confirming with her veterinarian, partner, and staff that clenbuterol had not been given to the horse.

- This is Appellant's claim.

38. Thompson also reviewed the camera footage from her Indiana barn for two weeks prior to the race and did not identify any unusual activity.

- This is Appellant's claim.

39. Motion to Adjourn had to have been exposed to the clenbuterol close to the race.

- Disagree.

40. On July 14, 2025, Trainer Thompson requested analysis of Motion to Adjourn's B Sample.

- Agree.

41. Motion to Adjourn's B Sample was then analyzed by the Kenneth L. Maddy Equine Analytical Chemistry Laboratory in Davis, California, in accordance with the Laboratory Standards, which confirmed on August 28, 2025, the presence of clenbuterol.

- Agree in part. The Kenneth L. Maddy Equine Analytical Chemistry Laboratory *reported* the Sample as confirmed on August 28, 2025. **AB, p. 495.**

42. On September 4, 2025, HIWU served Trainer Thompson with a Charge letter for an Anti-Doping Rule Violation ("EAD Charge") pursuant to ADMC Program Rule 3212.

- Agree.

43. On September 11, 2025, Thompson requested a hearing.

- Agree.

44. HIWU initiated a hearing on September 12, 2025.

- Agree.

45. This matter was heard on June 16, 2026.

- Agree.

46. On June 30, 2026, the arbitrator issued his final decision in which he found Thompson liable for violating Rule 3212 as a first-time offence and that she was not entitled to a reduction of consequences under Rules 3224 and 3225.

- Agree.

47. The arbitrator imposed, among other penalties, a period of ineligibility for Thompson of two years and a $25,000 fine.

- Agree.

48. On July 9, 2026, Thompson applied for review of the arbitrator's decision by a Federal Trade Commission administrative law judge (ALJ).

- Agree.

THE AUTHORITY'S REPLY TO APPELLANT'S PROPOSED CONCLUSIONS OF LAW

1. The arbitrator erroneously applied the Rule 3225 framework for determining the amount of Thompson's fine—including requiring the establishment of the source of the banned substance for a reduction from the Rule 3223(b) maximum fine—instead of exercising his full discretion to determine the amount up to the maximum.

- Disagree. The principle that the fine should "follow the fault" has repeatedly been upheld by Arbitrators and Administrative Law Judges.[1] Rule 3225, *Reduction of the Period of Ineligibility Where There is No Significant Fault or Negligence*, states a Covered Person must establish that she bears No Significant Fault or Negligence for a period of Ineligibility to be reduced. *No Significant Fault or Negligence* is a legal term defined by Rule 1030 which expressly holds "For any violation of Rule 3212 . . . the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Significant Fault or Negligence." Appellant did not establish how clenbuterol entered the body of her Covered Horse and, thus, was ineligible for any reduction of fault under Rule 3225. The fine is therefore commensurate with the finding of fault.

2. Considering all the facts and circumstances, Thompson's fine should be reduced to $5,000.

[1] See *HIWU v. Poole*, JAMS Case No. 1501000576, at ¶¶ 7.24-.25, aff'd, 2023 WL 8435860, at *5; *HIWU v. Saldana*, JAMS Case No. 1501000587, at ¶¶ 7.29-.30 (Dec. 4, 2023); *In the Matter of Overly*, Docket No. 9443, § C(2) (Jan. 27, 2026) .

- Disagree. Appellant introduced no evidence to demonstrate that her penalties should be reduced under the applicable ADMC Rules.

3. The arbitrator's imposition of a two-year suspension was arbitrary and capricious and an abuse of discretion because the arbitrator failed to consider all of the relevant facts and circumstances, including the logical inferences that may be drawn therefrom, under the balance of probabilities standard for establishing No Significant Fault or Negligence under Rule 3225.

- Disagree. As a prerequisite for application, Rule 3225 requires Appellant to establish how clenbuterol entered the body of her Covered Horse, which she wholly failed to do.

4. Thompson established under the balance of probabilities standard that Motion to Adjourn was exposed to clenbuterol at Belterra Park, and not by Thompson herself, thereby establishing the source of the clenbuterol.

- Disagree. On cross-examination, Appellant was asked: "as you sit here today, you're not aware how Motion to Adjourn came to have clenbuterol in its body?" Appellant replied, "I am not." **AB, p. 1122 (lines 4-6).**

5. Considering all the facts and circumstances, Thompson's level of objective and subjective fault is light, and her suspension should be reduced to time served.

- Disagree. Appellant did not establish how clenbuterol entered the body of her Covered Horse, a prerequisite for the application of Rules 3224 and 3225, *No Fault and No Significant Fault*.

6. Thompson's sanctions were unconstitutionally imposed and must be reversed.

- Disagree. The sanctions were not unconstitutionally imposed. Moreover, Thompson forfeited any constitutional arguments by failing to raise them in her Application for Review.

7. HIWU's investigation of Thompson, decision to charge her, adjudication of that charge, and imposition of sanctions violated the private non-delegation doctrine because they are executive functions that were undertaken without involvement of the Commission in the decision-making.

- Disagree. This "argument is contrary to the consistent position of this Commission across extensive litigation in the federal courts of appeals and the Supreme Court."[2]

8. HIWU's presence of a banned substance claim under Rule 3212 (Banned Substance Claim) must be tried to a jury in an Article III court because it is common law in nature and not subject to the public rights exception.

- Disagree. The public-rights exception applies because the Banned Substance Claim has no common-law analogue and there is no history of adjudication of similar anti-doping claims in common-law courts.

9. The Banned Substance Claim must be adjudicated in an Article III court because it is both common law and equitable in nature, and it is not subject to the public rights exception.

- Disagree, as stated above.

10. The Seventh Amendment and Article III apply here because the HIWU arbitration is state action and Thompson's Commission appeal is a government adjudication process.

- Disagree, as stated above and below. Moreover, the FTC has held that "the Authority—including its delegees, HIWU and the arbitrator—is not a state actor."[3]

11. Thompson did not waive her Seventh Amendment or Article III right by registering with the Horseracing Integrity and Safety Authority (Authority) because (1) registration was mandated by statute; (2) Article III structural interests cannot be waived; (3) compulsory arbitration of enforcement actions was an unconstitutional condition on Thompson's right to pursue her livelihood; and (4)

[2] Decision of the Commission, *In re Serpe*, No. 9441 (FTC June 30, 2026) at n.91.
[3] *Id.*

Thompson's registration with the Authority was not a knowing and voluntary waiver of her Seventh Amendment or Article III rights.

- Disagree. Appellant waived any Seventh Amendment and Article III right when she registered with the Authority.

SUPPORTING LEGAL BRIEF

Appellant argues that the Arbitrator came to the wrong legal conclusion while simultaneously—and for the first time—arguing that the Sanctions were unconstitutionally imposed. The existing factual record clearly demonstrates that the Arbitrator's findings were in accordance with the Rules and were not arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law. Appellant's constitutional claims are both forfeited and meritless.

I. Appellant is Not Entitled to Reduced Penalties Under Rule 3225

In order to benefit from reduced sanctions, Appellant must demonstrate that she bears No Fault or No Significant Fault under Rule 3224 or 3225. Both rules, as defined by Rule 1030, require a Covered Person who is charged with a violation of Rule 3212 "to establish how the Prohibited Substance entered the Covered Horse's system in order to establish" No Fault or No Significant Fault. At the merits hearing, Appellant failed to put forth any evidence which could establish how clenbuterol entered the body of her Covered Horse. Moreover, Appellant conceded that she did not know how clenbuterol entered the body of her Covered Horse.[4]

The Arbitrator properly concluded that no reduction in fault could be assessed because no evidence had been introduced to satisfy the source requirement set forth by Rules 3224 and 3225.

[4] AB, p. 1122 (lines 4-6).

The financial penalty and suspension therefore followed the fault-finding.[5] The Consequences are rationally connected to the evidence and in accordance with ADMC Program Rules.

II. Appellant's Constitutional Claims Are Forfeited And Meritless.

For the first time, Appellant argues the Sanctions are unconstitutional and should be reversed. But those contentions are not properly before the ALJ at this point. And they are meritless anyway—as the FTC has made clear in other matters.

A. Appellant Forfeited Her Constitutional Claims

Appellant forfeited her constitutional arguments by failing to raise them in her Application for Review. The FTC's rules provide that the Application "must state . . . the reasons for challenging the sanction," with "support for each issue raised," including "cit[ations] to the principal legal authorities the applicant relies upon[.]"[6] Yet Appellant's Application stated only that "this appeal presents significant legal questions concerning the proper interpretation and application of Rule 3225," limiting "[t]he issues presented" to whether the Arbitrator erred in its "mitigation analysis."[7] Appellant did not challenge liability or mention any constitutional challenge, much less raise the sweeping claim that the "entire adjudication process under the Horseracing Integrity and Safety Act (HISA) violates the private-nondelegation doctrine, the Seventh Amendment, and Article III."[8]

Acknowledging the threshold problem, Appellant says there is no "substantial prejudice to the Authority."[9] But that is not the standard. In any event, the prejudice from Appellant's forfeiture is particularly acute given that the parties were "directed to concurrently file" their proposed

[5] See *HIWU v. Poole*, JAMS Case No. 1501000576, at ¶¶ 7.24-.25, aff'd, 2023 WL 8435860, at *5; *HIWU v. Saldana*, JAMS Case No. 1501000587, at ¶¶ 7.29-.30 (Dec. 4, 2023); *In the Matter of Overly*, Docket No. 9443, § C(2) (Jan. 27, 2026).
[6] 16 C.F.R. § 1.146(a)(1).
[7] Application 1, 4.
[8] Appellant Br. 11.
[9] Appellant Br. 25.

findings of fact, conclusions of law, and legal briefs.[10] Having missed that simultaneous deadline, Appellant cannot now—months after reviewing the Authority's position on the issues raised in the Application—fundamentally transform the appeal by injecting a broadside attack on the adjudication process.

B. Appellant's Seventh Amendment And Article III Claims Fail

1. Appellant waived any entitlement to a jury trial in an Article III court when, upon registering with the Authority, she "agreed to be 'subject to and comply with the rules, standards, and procedures developed by the Authority and approved by the FTC'"—which "mandate arbitration" for ADMC rule violations.[11] As a federal court explained last year when refusing to preliminarily enjoin another HISA enforcement action, "where a party enters into a valid agreement to arbitrate, the party is not entitled to a jury trial or to a judicial forum for covered disputes."[12]

Appellant does not dispute that she entered into such an agreement, but argues it was not "knowing and voluntary."[13] That is undermined by her own expression elsewhere of her "manifestation of an agreement by the trainer to follow the Authority's rules in exchange for the ability to participate" in HISA-covered races.[14] Appellant's claimed surprise that she "would not receive a jury trial in an Article III court" because she is "a horse trainer with no legal training"[15] is hard to take seriously: Administrative proceedings have long been the forum adjudicating horseracing fines and suspensions in Ohio (as in other states).[16]

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[10] ALJ Order 3 (July 27, 2025).
[11] *Serpe v. FTC*, No. 0:24-CV-61939, 2025 WL 4098300, at *3 (S.D. Fla. Oct. 30, 2025) (alterations omitted).
[12] *Id*. at *13.
[13] Appellant Br. 33.
[14] Appellant Br. 27.
[15] Appellant Br. 34.
[16] *See* Ohio Admin. Code Rule 3769-2-99.

Appellant's complaint that the agreement "was compelled by statute," not "negotiable," and "unilateral[]" is not persuasive.[17] In the parallel SEC-FINRA context (on which the FTC-Authority framework was based), courts have rejected similar constitutional claims because the challengers had agreed to "mandatory securities industry arbitration under federally-compelled and SEC-approved procedures." *Koveleskie v. SBC Cap. Mkts., Inc.*, 167 F.3d 361, 368 (7th Cir. 1999); *see also, e.g.*, *Desiderio v. National Ass'n of Secs. Dealers, Inc.*, 191 F.3d 198, 206-207 (2d Cir. 1999) (rejecting similar argument concerning FINRA's predecessor). Those cases—where the "SEC required registration with an exchange," which in turn required arbitration "as a condition" of employment[18]—also foreclose Appellant's argument that the HISA agreement unconstitutionally conditioned her participation "in her chosen profession."[19] In any event, unlike the case that Appellant says is "directly analogous," she *can* "resort to the federal courts" after the FTC review process is complete.[20]

2. Waiver aside, Appellant's Seventh Amendment and Article III claims fail on the merits: Adjudication "concerning what [courts] have called 'public rights'" can be determined by "an agency without a jury."[21] Appellant acknowledges that if the public-rights exception applies, it would doom both claims.[22]

HISA's ADMC regulations have no close common-law analogue: Instead of importing "common law soil,"[23] Congress drew from (and directed the Authority and FTC to draw from) specialized international conventions and state administrative schemes.[24] Appellant's liability is

[17] Appellant Br. 33.
[18] *Koveleskie*, 167 F.3d at 367-368.
[19] Appellant Br. 32.
[20] Appellant Br. 32.
[21] *SEC v. Jarkesy*, 603 U.S. 109, 127-128 (2024).
[22] Appellant Br. 28-29. Separately, the FTC has rejected Appellant's argument (at 31) that the private Arbitration constitutes "state action." *See* Decision of the Commission 9-11, *In re Serpe*, Docket No. 9441 (FTC June 30, 2026).
[23] *Jarkesy*, 603 U.S. at 137.
[24] *E.g.*, 15 U.S.C. §§ 3054(a)(3), (c), 3055(b)(4), (c)(4)(A), (g)(2)(A).

based on the undisputed fact that "Clenbuterol was found in the post-race Sample" absent an established source[25]—not on any finding that Appellant "misrepresent[ed] or conceal[ed]" anything, "intentional[ly] disrupt[ed]" a race, acted with 'deceit," or any of the other factors Appellant suggests are at issue.[26] Indeed, the FTC previously made clear that "none" of the same "claimed common-law analogues are actually analogous" where the Covered Person was charged and sanctioned "because of the amount of a drug found in [her] horse's blood"; her "promises, state of mind, and intentions are irrelevant to that claim."[27]

Moreover, Article III court involvement is not "necessary" because such regulatory adjudications "historically could have been determined exclusively by the executive and legislative branches."[28] Judge Himes' extensive analysis of the relevant historical background confirms that antidoping disputes involving horseracing have long been "resolved by racetracks stewards and [agency] commissions," with no record of "litigation in courts under common law."[29] Appellant does not account for that history. Nor does she dispute that the ADMC rules are "closely intertwined" with the extensive regulatory scheme Congress enacted to curb the health-and-safety problems that had emerged under the states' longstanding regulatory regimes.[30]

Such adjudication "is a public right that Congress may assign to the executive branch for adjudication[.]"[31] That reality forecloses Appellants' (already forfeited and waived) Seventh Amendment and Article III claims.

[25] AB, pp. 1087, 1092 at ¶¶ 8.3, 8.29.
[26] Appellant Br. 25-30.
[27] Commission Decision 8-9 nn.69, 78, *In re Serpe.*
[28] *Jarkesy*, 603 U.S. at 128 (alterations and citation omitted).
[29] ALJ Decision 80-121, *In re Serpe* (FTC Sept. 12, 2025).
[30] *Jarkesy*, 603 U.S. at 133-134.
[31] *Axalta Coating Sys. LLC v. FAA*, 144 F.4th 467, 477 (3d Cir. 2025).

C. Appellant's Private-Nondelegation Claim Fails

Appellant's private-nondelegation claim runs "contrary to the consistent position of this Commission across extensive litigation in the federal courts of appeals and the Supreme Court."[32] The FTC has left no doubt: "the Commission at all times maintains oversight over the Authority," including "its delegees, HIWU and the arbitrator."[33] And the Sixth Circuit (where the race at issue here occurred) has unanimously agreed: Because "[t]he Horseracing Authority is subordinate to the agency," the Authority's enforcement actions do not violate the private-nondelegation doctrine.[34]

Remarkably, Appellant does not mention that Sixth Circuit holding. Instead, she relies on an outlier decision by the Fifth Circuit.[35] But that decision has been stayed pending the Supreme Court's consideration and disposition of certiorari petitions by the FTC and the Authority.[36] There is no reason to shun the FTC's own position in favor of the minority view Appellant prefers.

Appellant's private-nondelegation argument is especially ironic given that the present *de novo* review by the ALJ—followed, if need be, by further *de novo* review by the Commission—confirms that the FTC "retains decision-making power."[37] That distinguishes this action from *Alpine Securities Corporation v. FINRA*, 121 F.4th 1314 (D.C. Cir. 2024), the case "involving FINRA and the SEC" that Appellant claims is "similar."[38] In that as-applied challenge, the court preliminarily enjoined a "unique" FINRA expulsion order because FINRA's "expedited-hearing process" would have precluded meaningful SEC review before "the expelled member's business

[32] Commission Decision 11 n.92, *In re Serpe*.
[33] *Id.* at 6, 11 n.91.
[34] *Oklahoma v. United States*, 163 F.4th 294, 307 (6th Cir. 2025).
[35] Appellant Br. 22-23.
[36] *See FTC v. NHBPA*, No. 26-201 (U.S.); *Horseracing Integrity & Safety Authority v. NHBPA*, No. 26-199 (U.S.).
[37] *Consumers' Rsch. v. FCC*, 606 U.S. 656, 693 (2025).
[38] Appellant Br. 23.

collapse[d]."[39] The court explained that the framework was "unlikely to violate the Constitution" in less extreme circumstances, where the challenger "can stay in business long enough for the SEC to complete its review."[40] That is the case here. Indeed, Appellant did not even raise a constitutional concern in her stay request, which the ALJ carefully considered and rejected months ago (before granting Appellant's subsequent request for a continuance of these proceedings).

III. Conclusion

The Sanctions imposed in the Arbitrator's Final Decision were properly considered and should be affirmed. Appellant's appeal should be dismissed. The Authority does not believe oral argument is necessary and does not request closing statements to be heard.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 28th day of October 2026.

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[39] *Alpine*, 121 F.4th at 1328-1331.
[40] *Id.* at 1330-1331.